

Sayali Upasani

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2985 OF 2023

Priyesh Hareshwar Jadhav ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Nitin Sejpal with Mrs. Pooja Sejpal, for Applicant.

Mr. M. G. Patil, APP for State.

Mr. Sachin Namdev Gavate, PI, Vashi Railway Police Station,
Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 25th OCTOBER, 2023

PC:-

1) Heard the learned counsel for the applicant and the learned APP for the State.

2) This application is preferred for pre-arrest bail in connection with C.R. No. 270 of 2023, registered with Vashi Police Station, for the offences punishable under Sections 120-B, 465, 467, 468, 471, 472, 419, 420, 201 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code") and Section 66 (C) of the Information and Technology Act, 2000.

3) The first informant is working as a Station Manager (Commercial) at Seawood-Darave Railway Station. On 9th July, 2023, passengers made a grievance that indicators at Seawood-Darve Railway Station were giving wrong information. The first informant went to Announcer's Office. Ms. Pradnya Bhopi, the on-duty Announcer, was absent. A gentleman and lady were present in the said office. The lady identified herself as Bharati Kumbhare. The person accompanying her fled away. It transpired that Ms. Bharati Kumbhare was given an appointment to work in the Railways. Upon perusal of the email sent on her mobile phone, it transpired that she was asked to join at Seawood-Darve Railway Station for a Class-III post. A number of documents purportedly containing the signature and seal of the Railway Officers were found in the Announcer's Office. All those appointment orders were forged and fabricated.

4) During the course of the investigation, it transpired that the Railway had outsourced the services M/s Genius Infotech for managing announcements and indicators at railway platforms. The applicant and co-accused had collected huge amounts from a number of persons by making a false representation of giving them employment in Railways, issuing

forged and fabricated appointment orders, and even arranging their training. The persons who were so duped, also lodged FIRs.

5) Apprehending arrest, the applicant approached the Court of Session. By an order dated 20th September, 2023, the learned Additional Sessions Judge declined to exercise the discretion in favour of the applicant.

6) Mr. Nitin Sejpai, the learned Counsel for the applicant submitted that the applicant was working with M/s Genius Infotech. It is not the case that the applicant had either induced the persons to pay the amount or issued forged appointment orders. The only material against the applicant is that certain amounts were credited to the account of the applicant. However, those amounts were promptly transferred to the accounts of the co-accused. Thus, the applicant has no role in the alleged offences.

7) In contrast, Mr. M. G. Patil, the learned APP for the State submitted that there is overwhelming material to show that the applicant was the prime accused. Taking undue advantage of the contract to provide manpower to Railways, the applicant and the co-accused deceived many persons to pay huge amounts by promising them employment in the Railways, issued

appointment orders, and even provided training facilities to make them believe that they were in fact appointed with the Railways. It was submitted that the custodial interrogation of the applicant is indispensable for an effective investigation.

8) I have perused the allegations in the FIR and the material on record. Prima facie there is material to show that the applicant was the prime character. There are statements of the witnesses which give a vivid description of the prime role played by the applicant. Two of the witnesses have furnished the details of the persons, who were allegedly duped on the pretext of giving employment in Railways, the amount received from them and the amount paid to the applicant, and other persons.

9) It would be contextually relevant to note that there is material to show that the applicant had been in constant touch with the co-accused Nilesh Narale. From the account of accused No. 1 – Nilesh Narale, a sum of Rs.43,04,000/- came to be credited to the account of the applicant. The account statement further indicated that a sum of Rs.33,04,001/- was credited to the account of accused No. 1 – Nilesh. The statements of witnesses further reveal that the applicant had made

representation to various persons who were induced to part with money and had also accepted money from them.

10) In the backdrop of the aforesaid material, I find it rather difficult to accede to the submission of Mr. Sejpal. Prima facie, it appears that the contract to provide manpower on an outsourcing basis was abused to induce unsuspecting persons to part with huge amounts in the hope of getting employment, and documents were forged to make them believe that they were indeed appointed in Railways and a farce of training and posting them with the persons already appointed on contract basis was made.

11) Custodial interrogation of the applicant is, therefore, indispensable for an effective and complete investigation, unearth the fraud in all its facets, unmask the identity of the persons, who were privy to the fraud, and also have the money trail. An order of pre-arrest bail in the backdrop of the nature of the accusation and gravity of the offences, would be prejudicial to an effective investigation.

12) Hence, the following order:-

ORDER

I) The application stands rejected.

- II) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

[N. J. JAMADAR, J.]